93-985

Supreme Court, U.S.
FILED
NOV 12 1993
OFFICE OF THE CLERK

No._____

IN THE

SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1993

JOSEPH BENNETT JR.

PETITIONER

V.

INDEPENDENCE BLUE CROSS AND

MANCHESTER INC.

RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI
TO THE JUDGMENT SUPREME COURT OF THE U.S.

PETITION FOR WRIT OF CERTIORARI

PRO SE

JOSEPH BENNETT JR.
312 HENDERSON AVE.
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35 pp

ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

Date: 11/01/93

Re: FORCED TO PROCEED PRO SE BY THE ACTIONS OF THE DISTRICT COURTS.

COVER LETTER:

PETITION FOR A WRIT OF CERTIORARI.

Joseph Bennett v. Independence Blue Cross and Manchester, USDC for the Eastern District of Pa. CV No. 92-4249

Appeals Court Third Circuit docket No. 93-1550

Appeals Court Third Circuit docket No. 93-1680

Request for re-hearing for appeals No. 93-1550 and 93-1680

Dear Judges of the Supreme Court:

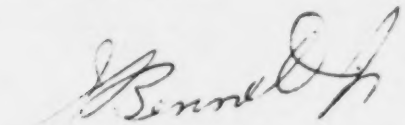
I am not submitting this case PRO SE by choice and I do not expect this court to treat me with the same contempt as the District and Appeals court. Judge McGlynn allowed my counsel to withdraw hoping that I would be discouraged from proceeding. Judge McGlynn refused to appoint counsel and made it impossible for me to be obtain other counsel by his decisions and through intimidation by reputation.

You have the facts, you have the documented truth, you have the arguments, and you have the laws. The absence or presents of an attorney does not change the facts in this or any other case. The absence or presents of an attorney does not make the documented, substantiated truth more or less creditable.

The courts and judges have done everything within their power to block this complaint. The decisions were not based on the information specific to the circumstances in this case and the orders handed down were based on rules of the court that were not used for the purpose they were intended.

Decisions by the courts that are condoning fraud and age discrimination in the work place are making it difficult and costly for an employee to proceed with a discrimination complaint against a company. These bias decisions by the courts are discouraging lawyers from taking age discrimination cases and, therefore, threatening the civil rights of the all older employees. These decisions by the courts that favor the employer, encourage companies to continue this pattern of fraud and age discrimination and are weakening the laws that protect these older employees. The attitude and unwritten policies of the EEOC and the courts that support and protect big business from prosecution for discrimination and make it difficult for employees to pursue their complaints need to be changed.

Sincerely,



Joseph Bennett Jr.

I certify that I have provided a copy of this letter to the people listed below.

President, William Clinton
Congressman, William Hughes
Senator, William Bradley

Bradley T. Beckman
Beckman & Hunt
2900 One Liberty Place 1650 Market Street
Philadelphia, PA 19103-7301

Jeffrey E. Fleming
Morgan, Lewis & Bockius
2000 One Logan Square
Philadelphia, PA 19103-6993

QUESTIONS PRESENTED

I ASK THAT THE MEMBERS OF THIS COURT KEEP IN MIND THE FOLLOWING QUESTIONS, AS THEY REVIEW THIS LETTER AND OTHER DOCUMENTS RELEVANT TO THIS APPEAL AND THE ORIGINAL COMPLAINT.

Question 1.

DOES FIRING A HIGHLY QUALIFIED 50 YEAR OLD EMPLOYEE AND REPLACING HIM WITH A YOUNGER LESS QUALIFIED PERSON CONSTITUTE AGE DISCRIMINATION AS DESCRIBED BY FEDERAL LAW?

Question 2.

IF TWO PARTIES ENTER INTO A CONTRACT AND PARTY "A" WILLFULLY, WITH INTENT TO DEFRAUD, LIES ABOUT THE CONDITIONS RELATED TO THE CONTRACT AND PUTS INTO PLACE A PLAN THAT CREATES A DECEPTION THAT IS A FRAUD AND USES THE LIES AND DECEPTION TO CONVINCE PARTY "B" TO ENTER INTO THE CONTRACT. IF PARTY "B" CAN PROVE THAT THE LIES AND FRAUD BY

PARTY "A" MADE IT IMPOSSIBLE FOR HIM TO MAKE AN INFORMED DECISION, IS THE CONTRACT VALID AND ENFORCEABLE?

Question 3.

DO YOU BELIEVE THAT A 50 YEAR OLD EMPLOYEE WOULD "KNOWINGLY AND VOLUNTARILY" ENTER INTO AN AGREEMENT THAT WOULD GIVE HIS EMPLOYER THE RIGHT TO FIRE HIM FROM A JOB FOR WHICH HE WAS HIGHLY QUALIFIED, A JOB FOR WHICH HE WAS CONSISTENTLY RATED AS COMMENDABLE, AND A JOB WHICH HE ENJOYED AND NEEDED? "KNOWINGLY AND VOLUNTARILY" GIVE HIS EMPLOYER THE RIGHT TO DISCRIMINATE AGAINST HIM BY REPLACING HIM WITH A YOUNGER LESS QUALIFIED PERSON? DO YOU REALLY BELIEVE THAT A 50 YEAR OLD PERSON WHO WAS GOING THROUGH A DIVORCE AND WHO STILL HAD A CHILD IN COLLEGE WOULD "KNOWINGLY AND VOLUNTARILY" GIVE UP HIS JOB AND ALL THE SECURITY AND BENEFITS THAT JOB PROVIDED, IN EXCHANGE FOR 14 WEEKS OF SALARY AND BENEFITS?

Question 4.

HAVE THE ACTIONS OF THE DISTRICT AND APPEALS COURT DEMONSTRATED BIAS THAT HAS FAVORED THE DEFENDANTS AND HAVE THESE ACTIONS PROVIDED SUPPORT, OPPORTUNITY, AND UNFAIR ADVANTAGE TO THE DEFENDANTS?

Question 5.

WERE THE DECISIONS OF THE DISTRICT AND APPEALS COURT FAIR AND JUST BASED ON THE ACTUAL FACTS AND CIRCUMSTANCES IN THIS CASE?

Question 6.

WAS THE RULE USED BY THE JUDGES TO DENY MY APPEAL USED FOR THE PURPOSE IT WAS INTENDED OR WAS IT ACTIVATED AND USED BY THE JUDGES FOR THE PURPOSE OF SQUASHING THIS COMPLAINT?

LIST OF PARTIES AND COURT DOCKET NUMBERS.

THE PARTIES TO THE PROCEEDINGS BELOW WERE:

JOSEPH BENNETT, PETITIONER.

V. INDEPENDENCE BLUE CROSS AND MANCHESTER,

RESPONDENTS.

COURT DOCKET NUMBERS ARE AS FOLLOWS:

COMPLAINT WITH THE EEOC, PHILADELPHIA PA. OFFICE. CHARGE # 170911048

COMPLAINT WITH THE FEDERAL COURT OF THE EASTERN DISTRICT OF PA. DOCKET No. 92-4249.

APPEAL WITH THE FEDERAL COURT OF THE EASTERN DISTRICT OF PA. DOCKET No. 92-1550.

APPEAL TO THE APPEALS COURT OF THE THIRD CIRCUIT, DOCKET No. 93-1680.

REQUEST FOR RE-HEARING FOR APPEALS TO THE APPEALS COURT OF THE THIRD CIRCUIT, No. 93-1550 AND 93-1680.

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INDEX OF ATTACHMENTS

ATTACHMENT "A":	MEMORANDUM OF DECISION DATED JANUARY 13, 1993 SIGNED BY JUDGE JOSEPH L. MCGLYNN.
ATTACHMENT "B":	MEMORANDUM OF DECISION DATED MARCH 2, 1993 SIGNED BY JUDGE JOSEPH L. MCGLYNN.
ATTACHMENT "C":	ORDER DATED JUNE 29, 1993 SIGNED BY JUDGE JOSEPH L. MCGLYNN.
ATTACHMENT "D":	ORDER DATED AUGUST 12, 1993. STAMPED AUGUST 31, 1993. SIGNED BY JUDGE CAROL LOS MANSMANN.
ATTACHMENT "E":	ORDER DATED AUGUST 12, 1993. STAMPED AUGUST 24, 1993. SIGNED BY JUDGE CAROL LOS MANSMANN.
ATTACHMENT "F-1":	ORDER DATED SEPTEMBER 20, 1993. APPEAL NO. 93-1550 SIGNED BY JUDGE CAROL LOS MANSMANN.

ATTACHMENT "F-2":	ORDER DATED SEPTEMBER 20, 1993. APPEAL NO. 93-1680 SIGNED BY JUDGE CAROL LOS MANSMANN.
ATTACHMENT "G":	EEOC COMPLAINT DATED JUNE 3,1991.
ATTACHMENT "H":	CIVIL COMPLAINT DATED JUNE 22, 1992.
ATTACHMENT "I-1":	LAWYER/BENNETT AGREEMENT DATED JULY 18, 1991.
ATTACHMENT "I-2":	LAWYER NOTES DATED JULY 24, 1992 SUBSTANTIATING MY ALLEGATIONS THAT HE DROPPED THE CASE BECAUSE OF MONEY.
ATTACHMENT "J-1":	LETTER FROM THE COURT DATED JUNE 3, 1993 INDICATING THAT THEY MISTAKENLY SENT THE DECISIONS TO MY FORMER ATTORNEY.
ATTACHMENT "J-2":	LETTER TO THE COURT DATED MAY 1, 1993 INQUIRING WHY A DECISION HAD NOT BEEN MADE.

ATTACHMENT "J-3":	LETTER TO THE COURT DATED MAY 20, 1993 EXPRESSING MY OPINION OF WHAT THE COURT HAD DONE TO DISADVANTAGE ME IN THIS MATTER.
ATTACHMENT "K-1":	LETTER FROM DEFENDANT ATTORNEY DATED MAY 7, 1993 WITH THE WRONG DECISION ATTACHED.
ATTACHMENT "K-2":	LETTER FROM DEFENDANT ATTORNEY DATED MAY 17, 1993 WITH THE CORRECT DECISION ATTACHED.
ATTACHMENT "L":	LETTER TO THE COURT DATED JUNE 18, 1993 REQUESTING EXTENSION OF TIME AS PER INSTRUCTIONS BY THE APPEALS COURT STAFF ATTORNEY.
ATTACHMENT "M-1":	LETTER TO THE APPEALS COURT DATED 06/04/93 ASKING THE APPEALS COURT TO TAKE AUTHORITY IN DECIDING THE VALIDITY OF MY APPEAL. THE DATE WAS WRONG ON THE LETTER. SHOULD HAVE BEEN 07/04/93.

ATTACHMENT "M-2":	LETTER TO THE APPEALS COURT DATED 07/12/93 INDICATING THAT I DID NOT TRUST THAT EVERYTHING I SUBMITTED TO THE DISTRICT COURT WOULD BE MADE AVAILABLE TO THE APPEALS COURT. I WAS THEREFORE SUBMITTING A COMPLETE COPY OF EVERYTHING I HAD IN MY POSSESSION CONCERNING THE CASE.
ATTACHMENT "N-1":	LETTER TO THE APPEALS COURT DATED 08/30/93 REQUESTING A RE-HEARING APPEAL NO 93-1680.
ATTACHMENT "N-2":	LETTER TO THE APPEALS COURT DATED 09/02/93 REQUESTING A RE-HEARING APPEAL NO 93-1550.
ATTACHMENT "X":	TWO COPIES OF THE COMPLETE FILE SUBMITTED TO THE APPEALS COURT.

DEAR JUDGES OF THE SUPREME COURT:

UNTIL YOU READ THIS LETTER AND REVIEW THE MATERIAL AND DOCUMENTS SUBMITTED, IT IS IMPOSSIBLE FOR ANY MEMBER OF THE COURT TO TRULY UNDERSTAND TO WHAT LENGTH THE PEOPLE CHARGED WITH MAKING THE DECISIONS HAVE GONE TO BLOCK THIS COMPLAINT. I FEEL THAT THE ACTIONS WERE TOO' BLATANT TO CHALK THEM UP TO INDIFFERENCE, INEXPERIENCE, OR INCOMPETENTS.

THE DECISIONS AND ORDERS MADE BY THE DISTRICT AND APPEALS COURTS WERE "NOT" BASED ON TRUTH, FACTS, LAW, OR THE ACTUAL CIRCUMSTANCES IN THIS CASE. MAKING YOUR DECISIONS BASED ON THE DECISIONS AND ORDERS OF THE DISTRICT AND APPEALS COURTS WILL BE MAKING DECISIONS BASED ON LIES, HALF TRUTHS, MISTAKES BY THE DISTRICT COURT, AND ACTIONS AND RULES USED BY THE COURTS TO BLOCK THIS COMPLAINT.

I AM REQUESTING THAT THE SUPREME COURT REVIEW THIS LETTER AND OTHER DOCUMENTS CONCERNING THIS CASE BEFORE DECIDING IF THE FOLLOWING DECISIONS AND ORDERS BY THE DISTRICT COURT OF PA. AND THE APPEALS COURT OF THE THIRD CIRCUIT WERE TRUE AND JUST, BASED ON THE INFORMATION AND DOCUMENTS AVAILABLE TO THOSE COURTS.

1. MEMORANDUM OF DECISION DATED JANUARY 13, 1993, SIGNED BY JUDGE JOSEPH L. MCGLYNN OF THE DISTRICT COURT OF PA.
(ATTACHMENT "A")

2. MEMORANDUM OF DECISION DATED MARCH 2, 1993, SIGNED BY JUDGE JOSEPH L. MCGLYNN OF THE DISTRICT COURT OF PA.
(ATTACHMENT "B")

3. ORDER DATED JUNE 29, 1993, SIGNED BY JUDGE JOSEPH L. MCGLYNN OF THE DISTRICT COURT OF PA.

DENYING MY RIGHT TO APPEAL THE DECISIONS BASED ON TIME REQUIREMENT FOR FILING WHICH WAS REDUCED FROM 30 DAYS TO 7 DAYS, AS A RESULT OF ERRORS ON THE PART OF THE DISTRICT COURT.
(ATTACHMENT "C")

4. ORDER DATED AUGUST 12, 1993, STAMPED AUGUST 31, 1993, IN REFERENCE TO APPEAL C.A NO 93-1550, SIGNED BY, JUDGE CAROL LOS MANSMANN, WHICH LISTS THREE JUDGES THAT AGREE WITH THE DISTRICT COURT THAT MY RIGHT TO APPEAL SHOULD BE DENIED REGARDLESS OF THE MISTAKES OF THE DISTRICT COURT.
(ATTACHMENT "D")

5. ORDER DATED AUGUST 12, 1993, STAMPED AUGUST 24, 1993, IN REFERENCE TO APPEAL C.A NO 93-1680, SIGNED BY, JUDGE CAROL LOS MANSMANN, WHICH LISTS THE SAME THREE JUDGES THAT AGREE WITH THE DISTRICT COURT THAT MY RIGHT TO APPEAL SHOULD BE

DENIED REGARDLESS OF THE MISTAKES OF THE DISTRICT COURT.

(ATTACHMENT "E")

6. ORDERS STAMPED SEP 20, 1993 IN REFERENCE TO APPEALS NO 93-1550 AND 93-1680, SIGNED BY JUDGE CAROL LOS MANSMANN, LISTING THIRTEEN JUDGES THAT STILL FEEL THAT MY RIGHT TO APPEAL BE DENIED REGARDLESS OF THE MISTAKES OF THE DISTRICT COURT. (ATTACHMENT "F-1", "F-2)

THE FOLLOWING IS A SUMMARY OF THE MOST RELEVANT EVENTS LEADING UP TO MY APPEAL TO THE SUPREME COURT. A DETAILED AND DOCUMENTED ACCOUNT OF THESE EVENTS CAN BE FOUND IN THE DOCUMENTS AND OTHER MATERIALS SUBMITTED TO THE COURTS.

1. I WAS FIRED FROM MY JOB SEPTEMBER 28, 1990. DOCUMENTED PROOF OF FRAUD AND DISCRIMINATION WAS PROVIDED TO THE COURTS.

2. MY FORMER LAWYER, JOE TUCKER JR., WAS THE LAWYER OF RECORD WHO FILED MY COMPLAINT WITH THE EEOC. HE HAD ACCESS TO, AND WAS FAMILIAR WITH, EVERY DOCUMENT AND ASPECT OF THE CASE. THE EEOC DISMISSED MY COMPLAINT ALONG WITH OTHER COMPLAINTS AGAINST THE COMPANY WITHOUT ANY INVESTIGATION, EVEN THOUGH ALL OF THE COMPLAINTS DESCRIBE THE SAME TREATMENT, FRAUDULENT PRACTICES, AND AGE DISCRIMINATION.

(ATTACHMENT "G") EEOC COMPLAINT.

NOTE: SIX EEOC CASE FILES WERE SUBMITTED TO THE COURT.

3. MY FORMER LAWYER, JOE TUCKER JR., WAS THE LAWYER OF RECORD WHO FILED MY COMPLAINT WITH THE DISTRICT COURT OF PA. AS OF THE FILING OF THE COMPLAINT, WE HAD A GOOD WORKING RELATIONSHIP AND WE WORKED TOGETHER ON THE COMPLAINT THAT WAS FILED. NO DISCOVERY WAS PERFORMED BY THAT ATTORNEY. I PROVIDED ALL DOCUMENTS AND MATERIALS TO THE ATTORNEY.

(ATTACHMENT "H") CIVIL COMPLAINT.

4. ONLY DAYS AFTER MY ATTORNEY FILED THE COMPLAINT WITH THE DISTRICT COURT, HE FILED A MOTION TO BE REMOVED AS COUNSEL. HIS STATEMENTS AT THE HEARING WERE A COMPLETE REVERSAL OF EVERYTHING HE HAD SAID TO ME UNTIL THAT TIME. AT THE HEARING, EVEN WITH ALL OF THE PROOF

AVAILABLE, HE SAID I DIDN'T HAVE A CASE. I TOLD THE JUDGE THAT, BASED ON THE CONVERSATIONS WITH MY LAWYER, I FELT THAT HE WAS DROPPING THE CASE BECAUSE I COULD NOT AFFORD TO CHANGE THE CONTINGENCY AGREEMENT BETWEEN US AND THAT I COULD NOT COME UP WITH THE $4000.00 HE REQUESTED. I READ INTO THE RECORD OTHER INFORMATION RELEVANT TO THE MOTION AND COMPLAINT, BUT THE JUDGE IGNORED MY ARGUMENTS AND RELEASED THE LAWYER FROM HIS RESPONSIBILITIES AND AGREEMENT. BASED ON THE COMMENTS AND QUESTIONS BY THE JUDGE, IT WAS APPARENT THAT HE WAS NOT FAMILIAR WITH ANY OF THE DOCUMENTS OR MATERIALS I HAD SUBMITTED TO THE COURT. THE JUDGE's ATTITUDE TOWARD ME AT THE HEARING WAS ONE OF CONTEMPT. BASED ON THE REMARKS AND GESTURES OF THE JUDGE, HIS DECISION WAS A DONE DEAL EVEN BEFORE I SPOKE AND HE WAS ANNOYED THAT I EVEN CHALLENGED THE DECISION. (ATTACHMENT "I-1" "I-2") AGREEMENT. LAWYER'S NOTES.

NOTE: MOTION, TRANSCRIPT, AND LETTER WERE SUBMITTED TO THE COURT.

5. I CONTACTED A NUMBER OF ATTORNEYS. MOST EXPRESSED FEAR OF THE JUDGE AND NONE WOULD TAKE THE CASE. MOST SAID THAT THE JUDGE WOULD VERY LIKELY FINE THEM $20,000 EVEN BEFORE THEY COULD PUT THE CASE TOGETHER. THEY SAID THAT DISCRIMINATION CASES WERE VERY POLITICAL AND EXTREMELY DIFFICULT TO WIN UNDER THE BEST CONDITIONS. THE QUOTE OF THE AMOUNT OF MONEY I WOULD NEED TO PURSUE THE COMPLAINT WAS ABOUT THE SAME FROM ALL OF THE LAWYERS, AT LEAST $50,000. I WAS UNEMPLOYED AT THE TIME. THEY ALL SAID THAT I HAD DONE A GOOD JOB PUTTING THE DOCUMENTS TOGETHER AND THAT I HAD A VERY GOOD CASE BASED ON THE DOCUMENTS THEY REVIEWED. ONE LAWYER COMMENTED THAT THE JUDGE WAS A REPUBLICAN. BASED ON THE EXPRESSION OF THE LAWYER, I COULD ONLY INTERPRET THE COMMENT AS MEANING THAT THE JUDGES

POLITICAL COMMITMENT WOULD MAKE IT IMPOSSIBLE FOR ME TO WIN THIS CASE. ONE OTHER LAWYER SAID THAT THE JUDGE WOULD NEVER LET THIS CASE GET BY HIM. I INTERPRETED THIS COMMENT, AS MEANING HE WOULD NEVER LET IT GET TO A JURY OF MY PEERS.

6. I SUPPLIED THE COURT WITH A LIST OF ATTORNEYS I CONTACTED AND STATED TO THE COURT THAT IT WAS IMPOSSIBLE FOR ME TO GET ANOTHER ATTORNEY. I SUBMITTED A REQUEST FOR APPOINTMENT OF COUNSEL THE COURT NEVER ACKNOWLEDGED OR RULED ON MY REQUEST FOR APPOINTMENT OF COUNSEL.

7. I REQUESTED THAT THE COURT SCHEDULE A HEARING TO DISCUSS A SETTLEMENT OF THE COMPLAINT. ALL I WANTED, FROM THE BEGINNING, WAS TO BE REINSTATED IN MY OLD JOB. IBC STATED BEFORE THE FIRING, THAT MY JOB WAS BEING ELIMINATED AND THERE WERE NO OTHER JOB OPENINGS WHERE THEY COULD

UTILIZE MY SKILLS. MY JOB WAS NOT ELIMINATED. THE COURT NEVER ACKNOWLEDGED OR RULED ON MY REQUEST FOR A HEARING.

8. THE LAWYERS FOR THE DEFENDANTS REQUESTED A HEARING AND THE HEARING WAS SCHEDULED FOR DECEMBER 11, 1992. AT THE HEARING, THE JUDGE WAS COURTEOUS TO THE LAWYERS FOR THE DEFENDANTS AND ALLOWED THEM TO READ AND SPEAK FOR THE RECORD EVEN THOUGH NOTHING THEY SAID WAS ACTUALLY RELATED TO THE FACTS PRESENTED IN THE CASE. WHEN I WANTED TO READ AND SPEAK FOR THE RECORD, THE JUDGE INTERRUPTED ME AND REFUSED TO ALLOW ME TO SPEAK. I SUBMITTED A WRITTEN DOCUMENT CONTAINING WHAT I WANTED TO SAY, AFTER THE FACT, SO THAT IT WOULD BE PART OF THE RECORD FOR THAT HEARING. BASED ON MY QUESTIONS AND CONVERSATION WITH THE JUDGE AT THAT HEARING, IT WAS APPARENT THAT HE HAD NOT REVIEWED THE CASE FILE BEFORE THE HEARING.

NOTE: A COPY OF TRANSCRIPT AND LETTER WERE SUBMITTED TO THE COURTS.

9. I CALLED THE CLERK ABOUT THE STATUS OF THE JUDGES DECISION A NUMBER OF TIMES, BUT COULD NOT GET ANY INFORMATION. SOMETIME DURING THE LAST WEEK OF APRIL 1993, I TALKED TO A LAWYER WHO WAS LOOKING AT MY CASE AND TOLD HIM THAT I COULDN'T GET INFORMATION CONCERNING THE STATUS OF MY CASE. HE SUGGESTED THAT I REQUEST A DOCKET AND SEND A LETTER TO THE COURT REQUESTING THE INFORMATION. ON APRIL 30, 1993 I WROTE A LETTER TO THE COURT REQUESTING A DOCKET. ABOUT THREE WEEKS LATER, I RECEIVED THE DOCKET.

11. ON MAY 1, 1993, I WROTE A LETTER TO THE COURT ASKING THEM TO RESPOND AND LET ME KNOW WHY IT WAS TAKING THEM SO LONG TO MAKE A DECISION IN THIS CASE. BY MAY 20th, I STILL HAD NOT RECEIVED A RESPONSE FROM THE COURT, SO I WROTE ANOTHER

LETTER. THE COURT DID NOT DRAFT A RESPONSE TO MY LETTERS UNTIL THE DAY I FILED MY APPEAL ON JUNE 3, 1993. I RECEIVED THAT LETTER AROUND JUNE 5th. THE LETTER FROM THE COURT ONLY MADE MENTION OF MY MAY 20TH LETTER WHICH WOULD LEAD ANYONE READING THE LETTER TO BELIEVE THAT THE LETTER FROM THE COURT WAS TIMELY. THERE WAS NO MENTION OF MY MAY 1st LETTER TO THE COURT.

THE LETTER STATED THAT THE JANUARY AND MARCH DECISIONS WERE SENT TO MY FORMER ATTORNEY IN ERROR. I CHECKED WITH THE FIRM AND THEY DID NOT RECEIVE EITHER DECISION.

(ATTACHMENT "J-1", J-2, J-3) LETTER FROM THE COURT, LETTER MAY 1st, LETTER MAY 20th.

12. AS A RESULT OF MY LETTER TO THE COURT DATED MAY 1, 1993, (I COPIED THE ATTORNEYS FOR THE DEFENDANTS ON EVERYTHING I SUBMITTED TO THE COURT), I RECEIVED A LETTER FROM THE LAWYER FOR IBC STATING THAT THEY HAD RECEIVED THE DECISIONS

MONTHS AGO. ATTACHED TO THAT LETTER WAS THE WRONG DECISION. A FEW DAYS LATER, MAY 19, 1993, I RECEIVED ANOTHER LETTER CONTAINING THE CORRECT DECISION.

(ATTACHMENTS "K-1", "K-2") LETTERS FROM THE ATTORNEY.

13. THIS WAS MY FIRST ACCESS TO THESE DECISIONS. I HAVE REVIEWED THE DECISIONS OF JUDGE MCGLYNN AND NONE OF THE CASES USED IN HIS ARGUMENTS PARALLEL THE CIRCUMSTANCES IN THIS CASE. THESE DECISIONS LOOK LIKE, NOTHING MORE THAN, EXTRACTS FROM MATERIAL SUBMITTED BY THE DEFENDANTS. THE FACT THAT THE JUDGE USED "KNOWINGLY AND VOLUNTARILY" IN ONE OF HIS DECISIONS JUST REINFORCES MY POSITION THAT THE DECISIONS WERE NOT BASED ON TRUTH, FACT, OR EVEN COMMON SENSE.

14. BETWEEN MAY 19th AND JUNE 3rd, I PUT

TOGETHER 6 COPIES, ORGANIZED AND INDEXED, OF ALL OF THE DOCUMENTS CONCERNING THE CASE. I THOUGHT THAT THE COURT NEEDED AN ORIGINAL AND THREE COPIES OF THESE DOCUMENTS ATTACHED TO THE APPEAL AT THE TIME IT WAS SUBMITTED. I UNDERSTOOD THAT THE DOCUMENTS WERE REQUIRED BASED ON A CONVERSATION WITH ONE OF THE LAWYERS THAT LOOKED AT MY CASE.

15. ON JUNE 3, 1993, 15 DAYS AFTER RECEIVING A COPY OF THE DECISIONS FROM THE ATTORNEY FOR THE DEFENDANTS, I FILED MY APPEAL WITH THE DISTRICT COURT. AT THAT TIME, THEY TOLD ME THAT THE OTHER MATERIALS (AN ORIGINAL AND THREE COPIES OF ALL OF THE DOCUMENTS IN MY POSSESSION) WAS NOT REQUIRED AT THAT TIME. I LATER SUBMITTED THESE COPIES TO THE APPEALS COURT. I ALSO FOLLOWED THE RULES OF THE DISTRICT COURT AND SUBMITTED A COPY TO EACH OF THE ATTORNEYS FOR THE DEFENDANTS.

(ATTACHMENT "X"): ONE COPY WAS SUBMITTED TO THIS

COURT.

16. THE STAFF ATTORNEY AT THE APPEALS COURT INSTRUCTED ME TO SUBMIT A REQUEST FOR AN EXTENSION OF TIME, AFTER THE FACT, STATING IN THAT REQUEST THE MITIGATING CIRCUMSTANCES CONCERNING THE FILING OF THE APPEAL. I SUBMITTED THE LETTER REQUESTING AN EXTENSION OF TIME, DETAILING THE EVENTS AND MY ARGUMENTS. A FEW DAYS LATER A SECOND APPEAL WAS SUBMITTED BY SOMEONE FROM THE APPEALS COURT IN MY BEHALF. I DIDN'T UNDERSTAND THE REASON FOR ANOTHER APPEAL OR WHY I HAD TO PAY ANOTHER $104.00, BUT I PAID THE MONEY ANYWAY.

(ATTACHMENTS "L") LETTER REQUESTING EXTENSION OF TIME.

17. THE DISTRICT COURT TURNED DOWN MY APPEAL BECAUSE THEY SAID IT WASN'T TIMELY. I WAS GIVEN A RULE THAT SAID, IF I DIDN'T RECEIVE THE

DECISIONS FROM THE COURT, THAT THE TIME I HAD TO APPEAL WAS REDUCED FROM 30 DAYS TO 7 DAYS FROM THE TIME I BECAME AWARE OF THE DECISIONS. I DO NOT HAVE A LAWYER, A COPY MACHINE, SECRETARY OR OTHER RESOURCES THAT ARE AVAILABLE TO AN ATTORNEY. I AM DOING THIS WITH ONLY THE HELP OF MY WIFE. IT IS UNREASONABLE TO THINK THAT A LAY PERSON WOULD KNOW ABOUT SOME RULE THAT, UNDER SPECIFIC CIRCUMSTANCES, THE TIME TO FILE IS REDUCED FROM 30 TO 7 DAYS. THE APPEALS FORM AND THE 6 COPIES CONTAINING EVERY PIECE OF PAPER IN MY POSSESSION RELEVANT TO THIS CASE WAS READY WITHIN 15 DAYS OF BECOMING AWARE OF THE DECISIONS. I FEEL THAT, GETTING THE APPEAL FILED IN 15 DAYS WAS A REASONABLE TIME FRAME CONSIDERING THAT I AM NOT AN ATTORNEY, THE MISTAKES WERE MADE BY THE DISTRICT COURT, AND THAT 15 DAYS IS ONLY HALF OF THE ORIGINAL 30 DAY REQUIREMENT. IF 90 DAYS IS CONSIDERED A REASONABLE TIME TO SUBMIT AN APPEAL TO THE

SUPREME COURT, WHY SHOULD 15 DAYS NOT BE AN ACCEPTABLE TIME TO FILE AN APPEAL WITH THE DISTRICT COURT?

(ATTACHMENTS "C") DECISION ON APPEAL.

18. I WROTE THE APPEALS COURT EXPLAINING THAT THE DISTRICT COURT HAD TURNED DOWN MY APPEAL AND THAT I DID NOT THINK IT WAS FAIR THAT I WAS DEPRIVED OF MY RIGHT TO APPEAL BECAUSE OF THE MISTAKES OF THE DISTRICT COURT. I GAVE THEM A DETAILED ACCOUNT OF THE CIRCUMSTANCES THAT REDUCED THE NUMBER OF DAYS TO FILE THE APPEAL FROM 30 to 7 DAYS.

(ATTACHMENTS "M-1" "M-2") LETTERS TO APPEALS COURT. NOTE LETTER DATED 06/04/93 SHOULD HAVE BEEN DATED 07/04/93.

19. THE APPEALS COURT TURNED DOWN BOTH APPEALS, THE ONE I SUBMITTED AND THE ONE SUBMITTED BY THE APPEALS COURT STAFF ATTORNEYS OFFICE. THE THREE

JUDGES SAID THEY AGREED WITH THE DISTRICT COURTS DECISION THAT I SHOULD BE DEPRIVED OF MY RIGHT TO APPEAL BECAUSE THE APPEAL WAS NOT FILED WITHIN THE REDUCED TIME OF 7 DAYS EVEN THOUGH THE TIME WAS REDUCED AS A RESULT OF ERRORS BY THE DISTRICT COURT.

(ATTACHMENTS "D" "E") ORDERS CONCERNING APPEALS 93-1550 AND 93-1680.

20. I REQUESTED A RE-REVIEW OF THE APPEALS AND ORDERS BY ALL OF THE JUDGES OF THE APPEALS COURT. I WAS NOT SATISFIED THAT THE THREE JUDGES FROM THE APPEALS COURT LISTED AS "PRESENT" EVER LOOKED AT THE MATERIALS SUBMITTED BY THE STAFF ATTORNEYS OFFICE. THERE WAS NO REFERENCE TO ANY OF THE MATERIAL SUBMITTED AND ONLY ONE JUDGE, CAROL LOS MANSMANN, WROTE (7 lines. LESS THAN 40 WORDS.) AND SIGNED THE ORDER FOR APPEAL 93-1680. THE REST OF THE DOCUMENT WAS A FORM LETTER AND INSTRUCTIONS.

21. THE ORDER (APPEAL 93-1550) SIGNED BY JUDGE, CAROL LOS MANSMANN, WAS SIMILAR TO THE ORDER (APPEAL 93-1680) EXCEPT THAT IT CONTAINED LESS LINES, WORDS, AND INSTRUCTIONS. AGAIN, THERE WAS NO REFERENCE TO ANYTHING PERTAINING TO THE MATERIAL SUBMITTED BY THE STAFF ATTORNEYS OFFICE AND NO INDICATION THAT ANY OF THE JUDGES "PRESENT" REVIEWED THE MATERIALS SUBMITTED. (ATTACHMENTS "N-1" "N-2") LETTERS REQUESTING RE-HEARINGS.

22. THE TWO ORDERS STAMPED SEP 20, 1993 FOR APPEAL 93-1550 AND 93-1680 SIGNED BY JUDGE CAROL LOS MANSMANN, WERE EXACTLY IDENTICAL EXCEPT FOR THE APPEAL NUMBERS. THESE ORDERS WERE WORDED IN THE SAME EVASIVE LANGUAGE AS THE EARLY ORDERS. WHAT DOES "ALL AVAILABLE JUDGES" MEAN. A MAJORITY OF WHICH JUDGES DID NOT VOTE FOR A REHEARING. AGAIN, THERE IS NO INDICATION THAT ANY OF THE JUDGES REVIEWED THE MATERIAL SUBMITTED BY

THE STAFF ATTORNEYS OFFICE. YOU READ THE ORDERS AND DETERMINE IF IT ADDRESSES THE REQUEST FOR A RE-HEARING OF THE ORDERS ISSUED BY THE DISTRICT AND APPEALS COURT CONCERNING MY APPEAL BASED ON MY ARGUMENTS SUBMITTED WITH THE REQUEST. (ATTACHMENTS "F-1 F-2") ORDERS CONCERNING RE-REVIEW OF APPEALS 93-1550 AND 93-1680.

REASON FOR GRANTING WRIT

A. MY LAWYER WAS RELEASED BY THE COURT WITHOUT RESEARCHING THE VALIDITY OF THE LAWYERS MOTION.

C. JUDGE WAS NOT FAMILIAR WITH THE DOCUMENTS SUBMITTED TO THE COURT WHEN HE PRESIDED OVER EITHER OF THE TWO HEARINGS HELD IN THIS CASE.

B. JUDGE DID NOT ACKNOWLEDGE OR RULE ON THE MOTIONS SUBMITTED TO THE COURT BY THE PLAINTIFF.

D. DECISIONS WERE NOT BASED ON SIMILAR COURT CASES, THE LAW, REASONABLE ASSUMPTIONS, OR THE FACTS PRESENTED IN THE CASE.

E. JUSTIFICATION FOR ORDERS DENYING MY RIGHT TO APPEAL WERE NOT VALID BECAUSE OF THERE IS A STRONG INDICATION THAT THE COURT INTENTIONALLY WITHHELD THE DECISIONS FROM THE PLAINTIFF SO THAT THE RULE THAT REDUCED THE TIME TO APPEAL FROM 30 TO 7 DAYS WOULD BE ACTIVATED. EVEN IF THE COURT DID NOT INTENTIONALLY WITHHOLD THE DECISIONS FROM ME, THE COURT DID ERROR AND LIED TO COVER UP THE ERROR BY STATING THAT THEY SENT THE DECISIONS TO MY FORMER ATTORNEY.

CONCLUSION

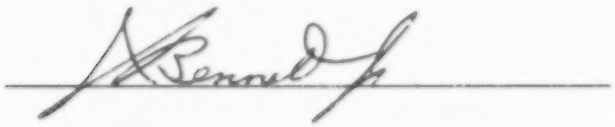
I AM ONLY ASKING FOR A JUST DECISION BASED ON THE FACTS IN THIS CASE AND THE LAW. I AM NOT A LAWYER AND I COULD NOT INCLUDE A LONG LIST OF RULES, LAWS, OR OTHER LEGAL REFERENCES. WHAT I DID PROVIDE WAS THE DOCUMENTED TRUTH IN THIS MATTER.

THE DISTRICT AND APPEALS COURT JUDGES, BY THEIR ACTIONS, HAVE DEMONSTRATED THAT THEY CAN NOT RENDER A JUST AND IMPARTIAL DECISION IN ANY MATTER CONCERNING THIS COMPLAINT. MY RIGHT TO FAIR AND JUST TREATMENT HAS BEEN VIOLATED BY THE ACTIONS OF THE JUDGES OF THESE COURTS. I AM ASKING THE SUPREME COURT NOT TO BASE THEIR DECISION ON RULES, POLITICAL COMMITMENT, OR BASELESS, BIAS, DECISIONS AND ORDERS MADE BY THE JUDGES OF THE DISTRICT AND APPEALS COURTS.

REQUEST TO THE COURT

THERE IS A CLEAR INDICATION THAT THE DECISIONS BY THE JUDGES WERE NOT IMPARTIAL AND THERE IS A STRONG POSSIBILITY THAT FUTURE DECISIONS COULD BE INFLUENCED BY PEER PRESSURE TO SUPPORT THE JUDGES WHO MADE THESE DECISIONS, I AM ASKING THE COURTS TO RELINQUISH THEIR RIGHT TO DECIDE THIS CASE AND IMPANEL A JURY OF MY PEERS FOR THE PURPOSE OF DECIDING THIS FRAUD AND DISCRIMINATION COMPLAINT. I AM ALSO REQUESTING THAT THE SUPREME COURT RULE IN FAVOR OF MY MOTION FOR APPOINTMENT OF COUNSEL SO THAT I CAN BE PROPERLY REPRESENTED AND MY RIGHTS BE PROTECTED IN THIS MATTER.

I, Joseph Bennett Jr, certify that I have provided a copy of this letter to the attorneys listed below. A copy of the supporting attachments was previously provided, therefore, a copy of these attachments was not included with the letter to the attorneys.



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